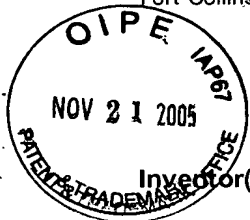


11-21-05

*AG*  
*JFW*

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor(s): Roland M. HOCHMUTH et al.

Confirmation No.: 5760

Application No.: 10/004,191

Examiner: Tung, Lee M.

Filing Date: Oct. 31, 2001

Group Art Unit: 2671

Title: SYSTEM AND METHOD FOR DISPLAYING AN IMAGE ON A NETWORK ATTACHABLE DISPLAY DEVICE

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Sept. 21, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- ( ) one month \$120.00
- ( ) two months \$450.00
- ( ) three months \$1020.00
- ( ) four months \$1590.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: Nov. 18, 2005

( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number \_\_\_\_\_ on \_\_\_\_\_

Number of pages:

Typed Name: Cindy C. Dioso

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Respectfully submitted,

Roland M. HOCHMUTH et al.

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James L. Baudino

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Applicant: Roland M. Hochmuth, et al. Confirmation No.: 5760  
Application Serial No.: 10/004,191  
Filed: October 31, 2001  
Title: System and Method for Displaying an Image on a Network Attachable Display Device  
Group Art Unit: 2671  
Examiner: Tung, Lee M.  
Docket No.: 10017760-1

**MAIL STOP: APPEAL BRIEF PATENTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**APPEAL BRIEF**

Applicants has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed July 21, 2005, finally rejecting Claims 37-54. Applicants filed a Notice of Appeal on September 21, 2005. Applicants respectfully submits herewith this Appeal Brief with authorization to charge the statutory fee of \$500.00.

11/22/2005 DTESSEM1 00000035 082025 10004191

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**REAL PARTY IN INTEREST**

The present application was assigned to Hewlett-Packard Company as indicated by an assignment from the inventor recorded on February 12, 2002 in the Assignment Records of the United States Patent and Trademark Office at Reel 012601, Frame 0006. The present application was subsequently assigned to Hewlett-Packard Development Company, L.P. as indicated by an assignment from Hewlett-Packard Company recorded on September 30, 2003 in the Assignment Records of the United States Patent and Trademark Office at Reel 014061, Frame 0492.

**RELATED APPEALS AND INTERFERENCES**

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

**STATUS OF CLAIMS**

Claims 37-54 stand rejected pursuant to a Final Office Action mailed July 21, 2005. Claims 37-54 are presented for appeal.

**STATUS OF AMENDMENTS**

No amendment has been filed subsequent to the mailing of the Final Office Action.

**SUMMARY OF CLAIMED SUBJECT MATTER**

Embodiments of the present invention as defined by independent Claim 37 are directed toward a system (10) for displaying an image comprising a display device (14) communicatively couplable to a network (16) and adapted to display the image, the display device (14) comprising a display network interface (172) operable to receive graphics image data of the image from the network (16), a display frame buffer (170) operable to store the received graphics image data, and a display refresh unit (178) operable to read the graphics image data from the display frame buffer (170) and display the image. (at least at page 4, line 29 to page 5, line 2; page 15 line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9).

Embodiments of the present invention as defined by independent Claim 45 are directed toward a method for displaying an image comprising receiving, via a network interface (172) of a display device (14) communicatively coupled to a network (16), graphics image data of the image, the display device (14) adapted to display the image, storing the received graphics image data in a display frame buffer (170) of the display device (14), and reading the stored graphics image data from the display frame buffer (170) by a display refresh unit (178) of the display device (14). (at least at page 4, line 29 to page 5, line 2; page 15 line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9).

Embodiments of the present invention as defined by independent Claim 52 are directed toward a system (10) for displaying an image comprising means (172) for receiving, via a display device (14) communicatively coupled to a network (16), graphics image data of the image, the display device (14) adapted to display the image, means (174) for storing the received graphics image data in a display frame buffer (170) of the display device (14), and means for reading the stored graphics image data from the display frame buffer (170) by a display refresh unit (178) of the display device (14). (at least at page 4, line 29 to page 5, line 2; page 15 line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9).

#### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 37-39, 43-45 and 50-52 were rejected under 35 U.S.C. §102(b) as being anticipated by B. Schmidt et al., “The Interactive Performance of SLIM: A Stateless, Thin-Client Architecture” (hereinafter “*Schmidt*”).

2. Claims 40-42, 46, 47, 49, 53 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmidt* in view of U.S. Patent No. 5,974,471 issued to Belt (hereinafter “*Belt*”). Claim 48 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmidt* and *Belt* as applied to claims 45 and 46 and further in view of U.S. Patent No. 5,936,616 issued to Torborg, Jr. et al. (hereinafter “*Torborg*”).

## ARGUMENT

### A. Standard

#### 1. 35 U.S.C. § 102

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claims” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

#### 2. 35 U.S.C. § 103

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, (Fed. Cir. 1991); M.P.E.P. § 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *Id.* Further, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); M.P.E.P. § 2143.01. Additionally, not only must there be a suggestion to combine the functional or operational aspects of the combined references, but also the prior art is required to suggest both the combination of elements and the structure resulting from the combination. *Stiftung v. Renishw PLC*, 945 F.2d 1173, 1183 (Fed. Cir. 1991). Moreover, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. *Winner Int’l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349 (Fed. Cir. 2000).

## B. Argument

1. Claims 37-54

Claims 37-39, 43-45 and 50-52 were rejected under 35 U.S.C. §102(b) as being anticipated by *Schmidt*. Claims 40-42, 46, 47, 49, 53 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmidt* in view of *Belt*. Claim 48 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmidt* and *Belt* as applied to claims 45 and 46 and further in view of *Torborg*. Of the rejected claims, Claims 37, 45 and 52 are independent. Applicants respectfully submit that each of independent Claims 37, 45 and 52 are patentable over the cited references and, therefore, Claims 38-44, 46-51 and 53-54 that depend respectively therefrom are also patentable.

Embodiments of the present invention are generally directed toward a system (10) and method for displaying an image. For example, embodiments of Applicants' invention comprises a device (14) for displaying an image (at least at page 4, line 29 to page 5, line 6; page 15, line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9). In some embodiments of Applicants' invention, the device (14) is a network attachable display device (14) (e.g., directly couplable to a communication network (16)) (at least at page 15, line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9). In such an embodiment, the display device (14) comprises a display network interface (172) for receiving data, such as graphics image data, from a source device (12) via a display network interface port (182) of the display device (14) (at least at page 15, line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9). In this embodiment, the display device (14) also comprises a display memory unit (174) having a display frame buffer (170) for storing the graphics image data to be displayed by the display device (14) and a display refresh unit (178) for reading the graphics image data from the display frame buffer (170) and refreshing the image displayed by the display device (14) (at least at page 15, line 29 to page 19, line 32; and figures 7A, 7B, 8 and 9). Accordingly, Claim 37, for example, recites "a display device communicatively couplable to a network and adapted to display the image" where "the display device compris[es] . . . a display network interface operable to receive graphics image data of the image from the network," "a display frame buffer operable to store the received graphics image

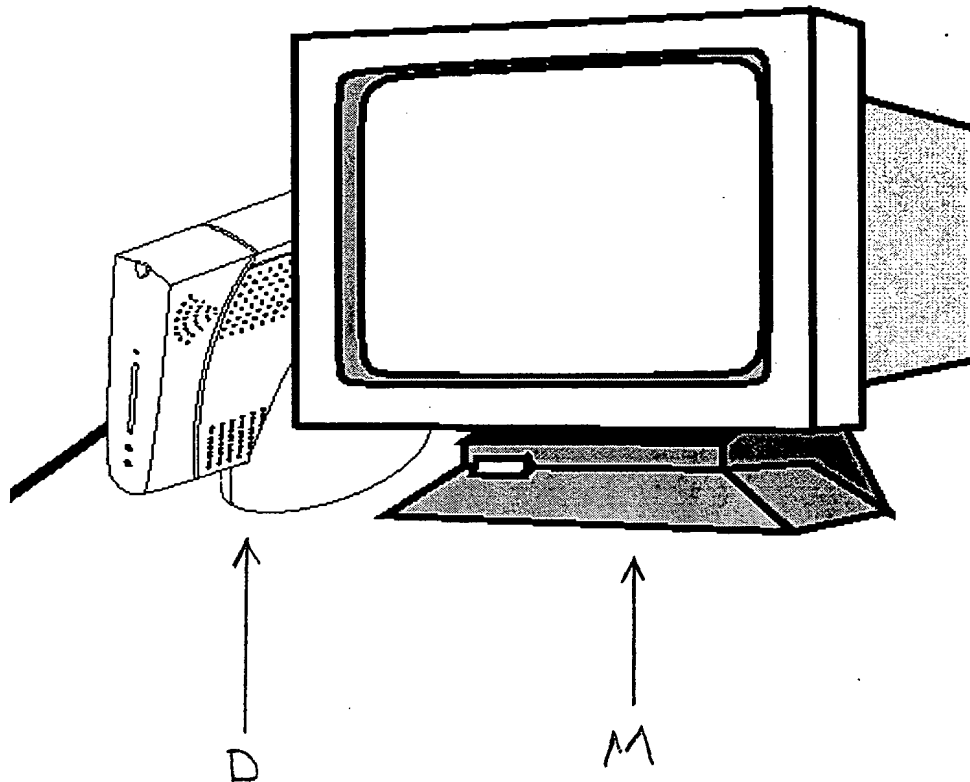
data” and “a display refresh unit operable to read the graphics image data from the display frame buffer and display the image.”

In the Final Office Action, the Examiner states that *Schmidt* purportedly discloses each and every limitation of independent Claims 37, 45 and 52 (Final Office Action, pages 2 and 3). Applicants respectfully disagree. *Schmidt* appears to disclose a stateless low-level interface machine (SLIM) console as an intended replacement for a desktop computer (*Schmidt*, page 33, section 1.2, second paragraph). *Schmidt* discloses that the “console” is “simply a dumb frame buffer . . . receiv[ing] display primitives, decod[ing] them and hand[ing] off the pixels to the graphics controller” (*Schmidt*, page 35, section 2.3, first paragraph). *Schmidt* also appears to disclose that the “console” includes a “CPU, network interface, frame buffer, and peripheral I/O” (*Schmidt*, page 35, section 2.3, second paragraph). However, *Schmidt* does not disclose or even suggest that the above-referenced elements of the *Schmidt* “console” are disposed in a “display device [for] display[ing] the image” as recited by Claim 37. To the contrary, Applicants refer to page 33, figure 1, of *Schmidt* which appears to illustrate an interconnection fabric connecting the “consoles” of *Schmidt* to the servers of *Schmidt*. Applicants provide below an enlarged view of a portion of figure 1 of *Schmidt* to better illustrate the “console” of *Schmidt*. As illustrated by the enlarged view of figure 1 of *Schmidt* provided below, the “console” of *Schmidt*, as a whole, appears to include both a monitor presumably for displaying an image (identified by the letter “M” in the enlarged view of figure 1 of *Schmidt* provided below) and a desktop unit (identified by the letter “D” in the enlarged view of figure 1 of *Schmidt* provided below) disposed adjacent to the monitor M of *Schmidt* and connected to the interconnection fabric of *Schmidt*.

Applicants respectfully submit that *Schmidt* does not disclose or even suggest that the monitor M of *Schmidt*, apparently used in *Schmidt* to display the image, comprises “a display network interface operable to receive graphics image data of the image from the network,” “a display frame buffer operable to store the received graphics image data” and “a display refresh unit operable to read the graphics image data from the display frame buffer and display the image” as recited by Claim 37. To the contrary, the frame buffer, network interface and display refresh unit referred to

by the Examiner as purportedly taught by *Schmidt* are presumably disposed in the desktop unit D of *Schmidt*.

# Consoles



Enlarged view of a portion of figure 1 of *Schmidt*



Thus, for at least this reason, Applicants respectfully submit that *Schmidt* does not disclose or even suggest each and every limitation of independent Claim 37.

Independent Claim 45 recites “receiving, via a network interface of a display device communicatively coupled to a network, graphics image data of the image, the display device adapted to display the image,” storing the received graphics image data in a display frame buffer of the display device” and “reading the stored graphics image data from the display frame buffer by a display refresh unit of the display device” (emphasis added), and independent Claim 52 recites “means for receiving, via a display device communicatively coupled to a network, graphics image data of the image, the display device adapted to display the image,” “means for storing the received graphics image data in a display frame buffer of the display device” and “means for reading the stored graphics image data from the display frame buffer by a display refresh unit of the display device” (emphasis added). At least for the reasons discussed above in connection with independent Claim 37, Applicants respectfully submit that *Schmidt* also does not disclose or even suggest each and every limitation of independent Claims 45 and 52.

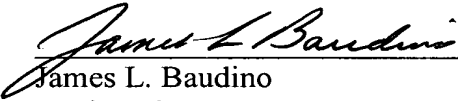
Accordingly, for at least the reasons discussed above, independent Claims 37, 45 and 52 are clearly patentable over the *Schmidt* reference. Moreover, neither *Belt* nor *Torborg* appear to remedy the deficiencies of the *Schmidt* reference indicated above, nor did the Examiner rely on *Belt* or *Torborg* to remedy the above-referenced deficiencies of *Schmidt*. Therefore, Claims 37, 45 and 52, and Claims 38-44, 46-51 and 53-54 that depend respectively therefrom, are in condition for allowance.

**CONCLUSION**

Applicants have demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant(s) respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Commissioner is authorized to charge the statutory fee of \$500.00 to Deposit Account No. 08-2025 of Hewlett-Packard Company. Although no other fee is believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

  
\_\_\_\_\_  
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Registration No. 43,486

Date: 11-18-05

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**CLAIMS APPENDIX**

37. A system for displaying an image, comprising:  
a display device communicatively couplable to a network and adapted to display the image, the display device comprising:  
a display network interface operable to receive graphics image data of the image from the network;  
a display frame buffer operable to store the received graphics image data; and  
a display refresh unit operable to read the graphics image data from the display frame buffer and display the image.

38. The system of Claim 37, wherein the display device further comprises a display network interface port coupled to said display network interface for receiving the graphics image data from the network.

39. The system of Claim 38, wherein the display network interface port is selected from the group consisting of an Ethernet port, an Infiniband port, and a wireless network transceiver.

40. The system of Claim 37, wherein the display device further comprises a display decompression unit operable to decompress the graphics image data into decompressed graphics image data.

41. The system of Claim 40, wherein the display decompression unit is coupled to the display frame buffer.

42. The system of Claim 37, wherein the display device further comprises a display decompression unit operable to decompress the graphics image data into decompressed graphics image data prior to being stored in the display frame buffer.

43. The system of Claim 37, wherein the display device is adapted to display the image via at least one of an element selected from the group consisting of

a Cathode Ray Tube (CRT), a Liquid Crystal Display (LCD), a Thin Film Transistor (TFT), a Light Emitting Diode (LED), and an organic polymer.

44. The system of Claim 37, the display network interface of the display device adapted to receive the graphics image data from a remote source device via a plurality of packets.

45. A method for displaying an image, comprising:  
receiving, via a network interface of a display device communicatively coupled to a network, graphics image data of the image, the display device adapted to display the image;  
storing the received graphics image data in a display frame buffer of the display device; and  
reading the stored graphics image data from the display frame buffer by a display refresh unit of the display device.

46. The method of claim 45, further comprising decompressing the graphics image data into decompressed graphics image data via a display decompression unit of the display device.

47. The method of claim 46, further comprising storing the decompressed graphics image data in the display frame buffer.

48. The method of Claim 46, further comprising storing the decompressed graphics image data and the graphics image data in different portions of the display frame buffer.

49. The method of claim 45, further comprising decompressing the graphics image data into decompressed graphics image data via a display decompression unit of the display device prior to storing the graphics image data in the display frame buffer.

50. The method of Claim 45, further comprising displaying the image by the display device via at least one of an element selected from the group consisting of a Cathode Ray Tube (CRT), a Liquid Crystal Display (LCD), a Thin Film Transistor (TFT), a Light Emitting Diode (LED), and an organic polymer.

51. The method of Claim 45, wherein receiving graphics image data comprises receiving, via the network interface of the display device, graphics image data from a remote source device via a plurality of packets.

52. A system for displaying an image, comprising:

means for receiving, via a display device communicatively coupled to a network, graphics image data of the image, the display device adapted to display the image;

means for storing the received graphics image data in a display frame buffer of the display device; and

means for reading the stored graphics image data from the display frame buffer by a display refresh unit of the display device.

53. The system of Claim 52, further comprising means, disposed on the display device, for decompressing the graphics image data into decompressed graphics image data.

54. The system of Claim 52, further comprising means, disposed on the display device, for decompressing the graphics image data into decompressed graphics image data prior to storing the graphics image data in the display frame buffer.

**EVIDENCE APPENDIX**

None

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**RELATED PROCEEDINGS APPENDIX**

None

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